

REMARKS

In the Office Action mailed August 23, 2006, the Examiner rejected claims 20-22, 24, 27-29, 34 and 35 and withdrew claims 25, 26, 33 and 36-43. The Office Action also objected to claims 23, 31 and 32, but indicated those claims as being allowable if written in independent format. Applicants thank the Examiner for the indication of allowable subject matter. By way of the foregoing amendments and the markings to show changes, Applicants have amended claims 20 and 31, canceled claims 21-23, 26, 29, 32 and 35-43 and added new claims 44-62. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

I. Specification

The Office Action suggested amending the specification to identify the present application as a divisional. Such revision has been made.

II. Election/Restriction Requirement

The Office Action withdrew claims 25, 26, 33 and 37-43. Applicants maintain their traverse of the basis for the Election/Restriction requirement for the previous reasons provided. Applicants further traverse on the grounds that the MPEP requires, in addition to a showing of distinctness and a showing of separate utility, a showing that "reasons exist for insisting upon the restriction..." Such a showing has not been made. Moreover, it is unclear whether the sub-combination identified by the Office Action includes all three elements of 1) applying of release paper; 2) inclusion of the curing agent in the base material and 3) removal of the release paper or whether only one of these elements is required to identify an entirely different sub-combination. If only one of the elements is required to identify an entirely new sub-combination, Applicants contend that distinctiveness, separately utility and reasons for insisting upon the restriction should be provided for each of the elements so that Applicants can analyze further whether the

restriction has sound basis. Alternatively, any restrictions to the elements separately should be withdrawn.

III. Rejections under 35 USC 102 and 103

The Office Action rejected claims 20-22, 24, 27-29, 34 and 35 under 35 USC 102 or 103, but indicated claims 23, 31 and 32 as allowable if rewritten in independent format. Claim 20 has been amended to include the language of claim 23 such that it is now allowable. All the other rejected claims have either been canceled or are dependent upon now allowable claim 20. Thus the rejections of the claims as asserted by the Office Action are moot.

IV. New Claims

New claim 44 has been written to fully embody previously pending claim 31 in independent format. As suggested by the Office Action, claim 31 in independent format is allowable and, thus, new claim 44 and its dependents 45-54 are allowable.

New claims 55-62 are also believed to be allowable. Applicants' review of the prior art of record reveals no disclosure or suggestion of the subject matter of claim 55. Applicants contend that none of the references disclose or suggest a base polymeric material and polymeric powder where the base material or the powder are thermosettable along with the other limitations in claim 55. This is particularly the case where, as in claim 56, the powder or the base material are then thermoset in a thermosetting step, or, as in claim 57 where both the powder and the base material are both thermoset.

Applicants also suggest that at least claims 55-57 are within the elected subject matter for the present application since the elected species, bisphenol A epoxy resin, can be thermosettable and since the combination/subcombination has not identified thermosettable materials as being outside of the election.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Dated: 9 November, 2006

Respectfully submitted,

A handwritten signature in cursive script, reading "Scott Chapple", written over a horizontal line.

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